

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

EDWARD O'FINNEGAN,

Plaintiff,

No. 10-CIV-965 WJ/LFG

v.

CAPITAL ONE AUTO FINANCE,

Defendant.

CAPITAL ONE AUTO FINANCE,

Counterclaimant,

v.

EDWARD O'FINNEGAN,

Counterdefendant.

STIPULATION FOR ENTRY OF JUDGMENT

Plaintiff/Counterdefendant Edward O'Finnegan ("Plaintiff") and Defendant/Counterclaimant Capital One Auto Finance ("Defendant"), by and through its undersigned counsel, hereby agree and stipulate that the Court should enter Judgment in the form attached hereto as **Exhibit A** and lodged concurrently herewith. The foregoing Judgment: (a) orders dismissal with prejudice of all of Plaintiff's claims asserted in this action; and (b) grants judgment in favor of Defendant and against Plaintiff on Defendant's counterclaim in the amount of (i) \$17,000.00, the unpaid principal of the loan that is the subject of this litigation, with interest accruing on the foregoing principal balance at 22% per annum until paid in full; and (ii) \$12,000.00 for Defendant's

attorneys' fees. The parties agree that this Judgment may be entered immediately by this Court.

RESPECTFULLY SUBMITTED this ^{4th} day of Aug, 2011.

QUARLES & BRADY
2 North Central Avenue
Phoenix, Arizona 85004

MODRALL SPERLING
500 Fourth Street NW
Suite 1000
Albuquerque, NM 87102

By /s/
Stan N. Harris
Attorneys for Defendant

Edward O'Finnegan
1014 Washington St S E
Albuquerque, NM 87108

By /s/ Edward O'Finnegan
Edward O'Finnegan
Plaintiff

WE HEREBY CERTIFY that on the 4th day of August, 2011, we filed the foregoing electronically through the CM/ECF system, which caused the counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

AND I FURTHER CERTIFY that on such date I served the foregoing on the following non-CM/ECF Participant in the manner indicated:

Via first-class mail, postage prepaid addressed as follows:

Edward O'Finnegan
1014 Washington St. SE
Albuquerque, NM 87108

MODRALL SPERLING ROEHL
HARRIS & SISK, P.A.

By /s/ Stan N. Harris
Stan N. Harris

Attorneys for Defendant Capital
One Bank

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EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
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Plaintiff,

v.

No. 10-CIV-965 WJ/LFG

CAPITAL ONE AUTO FINANCE,

Defendant,

CAPITAL ONE AUTO FINANCE,

Counterclaimant,

v.

EDWARD O'FINNEGAN,

Counterdefendant.

STIPULATED JUDGMENT

Pursuant to stipulation of the parties, and good cause appearing therefore,

IT IS HEREBY ORDERD, ADJUDGED AND DECREED that all of Plaintiff Edward O'Finnegan's claims in this action against Defendant Capital One Auto Finance are dismissed, with prejudice.

IT IS FURTHER HEREBY ORDERED, ADJUDGED, AND DECREED that judgment is entered in favor of Counterclaimant Capital One Auto Finance and against Counterdefendant Edward O'Finnegan on the counterclaim asserted in this action, and that Counterclaimant shall have and recover judgment from Counterdefendant as follows:

1. For the principal sum of \$17,000.00;
2. For interest on the foregoing principal sum at 22% per annum until paid in full; and

3. For Counterclaimant's reasonable attorneys' fees in the amount of \$12,000.00

DONE IN OPEN COURT THIS DATE: _____

JUDGE OF THE U.S. DISTRICT COURT